

day delivery, while another may require ten days. See page 3, lines 6-11. Applicant discloses numerous means for providing sustained release of drugs over a period of time. For example, biodegradable coating, electronically controlled pump, or cavities may allow the sustained release of drugs. See page 11, lines 7-12. In addition, the sustained release of drugs may be provided by impregnated gills. The thickness and number of gills controls the duration and profile of the dose. See page 11, lines 20-24. These are just some of the means for allowing sustained release of substances over a period of time described in Applicant's application.

Fournier, in contrast, is designed to be used as an applicator swab. The applicator swab is used to apply a single dose of a medication composition to an internal body surface. See col. I, lines 44-47. For these reasons, Fournier does not anticipate claim 1 and the rejection should be withdrawn. Moreover, the Examiner stated in responding to Applicant's October 5 Amendment that "[i]n response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., the sustained release of drugs over a period of time) is not recited in the rejected claims." Applicant has amended claim 1 to recite that limitation and therefore claim 1 is allowable for at least that reason.

Claims 2-8 depend from claim 1 and are allowable for at least the same reason as claim 1.

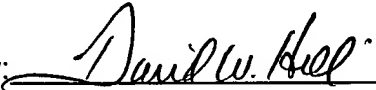
In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2002

By: 
David W. Hill
Reg. No. 28,220

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

APPENDIX TO AMENDMENT

Version with Markings to Show Changes Made

Amendments to the Claims

1. (Twice Amended) A substance delivery device adapted for insertion into a body cavity, the substance delivery device comprising:

a supporting structure;

a substance dispenser independent of the supporting structure, the substance dispenser including a plurality of [fingers] finger means for allowing sustained release of substances over a period of time, the plurality of finger means radiating from a central aperture; and

means for releasably fixing the substance dispenser to the supporting structure so that the central aperture slides over a portion of the support structure, and so that the plurality of fingers extend away from the supporting structure.

2. (Amended) A substance delivery device as claimed in claim 1 wherein the [said fingers] plurality of finger means are gills.

3. (Amended) A substance delivery device as claimed in claim 1 wherein the [said fingers] plurality of finger means are vanes.

4. (Twice Amended) A substance delivery device as claimed in any one of claims 1 to 3 wherein the [fingers] plurality of finger means are coated or impregnated with the substance to be dispensed.